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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/557,837	11/21/2005	Shunsuke Shutou	053078	6758

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EXAMINER

TADAYYON ESLAMI, TABASSOM

ART UNIT	PAPER NUMBER
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1792

MAIL DATE	DELIVERY MODE
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11/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/557,837	Applicant(s) SHUTOU, SHUNSUKE	
	Examiner TABASSOM TADAYYON ESLAMI	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 11, and 14 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuyoshi Ichihashi et al (U. S. Patent Application: 2002/0039627, here after 627).

Regarding Claims 1 and 8, 627 teaches a method for producing an anisotropic film, the method comprising[0004]: disposing a film containing a photoreactive material on a substrate wherein the photoreactive material is a material that is dimerized/polymerized by light irradiation[0079]; and irradiating the film containing the photoreactive material with light through the polarizing element so as to provide an anisotropy to the film containing the photoreactive material (see Paragraphs [0025, 0026]. 627 does not explicitly teach that the substrate is a polarizing element at the time that the photoreactive element is applied, but instead teaches that the polarizing plate is applied to the other side of the glass substrate to form the polarizing element after the photoreactive material has been applied to the other side of the glass substrate. However, it has been held that the selection of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results. *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946). Therefore, Claims 1 and 8 are rendered *prima*

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facie obvious because 627 teaches nearly the identical method claimed but with a different order of performing the steps comprising the method.

Claim 2 is rejected. 627 teaches the limitation of claim 1 and further teaches the film containing the photoreactive material is inherently deposited in form of solvent or melt(liquid) as is applied to the substrate by spin coating method[0288].

Claims 3-5 are rejected. 627 teaches the limitation of claim 1 as discussed above and further teaches the light is in visible range (wavelength of 400-700nm)[0208].

Claim 6 is rejected. 627 teaches the limitation of claim 1 as discussed above and further teaches the wavelength is in range of UV light[0288].

Regarding Claim 7, 627 teaches the method wherein the polarizing element is a polarizer (because the polarizing element polarizes light, it is a polarizer. Furthermore, polarizing plate, which is discussed in Paragraphs [0002], is a term in the art that is synonymous with polarizer).

Regarding Claim 9, 627 teaches the method wherein the film containing the photoreactive material (transparent support) is formed directly on the polarizing element [0004].

Claim 10 is rejected. 927 teaches the limitation of claim 1 and further teaches the film contains a liquid crystal compound [abstract].

Claim 11 is rejected. 627 teaches the limitation of claim 1 and further teaches the liquid crystal compound is a liquid crystalline polymer [0005].

Regarding Claims 14 and 15, 627 inherently teaches an anisotropic film produced by the production method according to Claim 1, which comprises a liquid

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crystalline alignment film because the film orients the liquid crystalline layer; it is a liquid crystalline alignment film).

Regarding Claims 16 and 17, 627 also inherently teaches an optical film comprising the anisotropic film according to Claim 14. Because light is used to polarize the liquid crystalline layer and because these films are part of a liquid crystal display device, they are inherently optical films.

Regarding Claims 18 and 19, 627 teaches a liquid crystal display comprising a liquid crystal panel comprising a liquid crystal cell and an optical film arranged on the inner surface of the liquid crystal cell, wherein the optical film is the optical film according to Claim 17. The structure is a liquid crystal cell comprising two polarizing elements with optical anisotropic alignments films on the inner surfaces thereof).

Regarding Claim 20, 627 inherently teaches an image display device comprising the optical film according to Claim 17, because a liquid crystal display panel is an image display device.

3. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuyoshi Ichihashi et al (U. S. Patent Application: 2002/0039627, here after 627), further in view of Mori (Japanese Patent Application Publication Number 10 – 170921).

4. Regarding Claims 12 and 13, 627 teaches the method wherein the film containing the photoreactive material. 627 does not teach the film contains non-liquid crystalline polymer. further contains a non-liquid crystalline polymer that has a photoreactive site (see again Paragraph [0009]; because these non-liquid crystalline polymers are photoreactive, they inherently contain a photoreactive site). Mori teaches

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a method for producing an anisotropic film, the method comprising: disposing a film containing a photoreactive material on a substrate (see, e.g., Paragraph [0006] of PAJ Machine Translation and Drawing 1. Note that, in its broadest reasonable interpretation, a polarizing element is any element that is capable of polarizing light. In this formulation, film 13 and substrate 16 of Drawing 1 act as a polarizing element; film 15 is the photoreactive film); irradiating the film containing the photoreactive material with light through the polarizing element so as to provide an anisotropy to the film containing the photoreactive material (see Paragraphs [0007], [0009], and [0010]; although the machine translation refers to 'photosensitive substance', it is clear from Paragraph [0010] that alignment is taking place, thus making the substance/film photoreactive. Because the film is photo-aligned, it is inherently anisotropic). , Mori teaches the method wherein the film containing the photoreactive material further contains a non-liquid crystalline polymer that has a photoreactive site (see again Paragraph [0009]; because these non-liquid crystalline polymers are photoreactive, they inherently contain a photoreactive site). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to have a method for producing an anisotropic film as 627 teaches film contains a non-liquid crystalline polymer as Mori teaches, because Mori teaches it is suitable to have a non-liquid crystalline polymer in a photoreactive film.

Response to Arguments

1. Applicant's arguments, see remarks, filed 07/29/08, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of M. Ichihashi

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Lafond whose telephone number is (571) 270-1878. The examiner can normally be reached on M - F, 9:30 AM - 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tabassom T. Tadayyon-Eslami/
Examiner, Art Unit 1792

/Michael Cleveland/

Supervisory Patent Examiner, Art Unit 1792